IN THE HIGH COURT OF JUDICATURE AT PATNA
LPA No.728 of 2006
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Baleshwar Prasad, son of Gopal Prasad, resident of Village Bishunpur Tola, Nimia Bigha, Post Office Mohiuddinpur, Police Station Ghoshi, District-Jehanabad.

…. …. (Writ petitioner) …. Appellant

Versus

1. The State of Bihar.
2. The Commissioner, Bihar State Election Commission, Bihar, Patna.
3. The Secretary, Bihar State Election Commission, Sone Bhawan, 3rd Floor, Birchand Patel Patha, Patna.
4. The Director, Bihar State Election Commission, Sone Bhawan, 3rd Floor, Birchand Patel Patha, Patna.
5. The Collector-cum-District Panchayat Election Officer, Jehanabad.
6. The Block Development Officer, Ghoshi, Jehanabad.
7. Pramod Kumar son of not known, resident of Village Bishunpur, Gram Panchayat, Ahiyasa, Block Ghoshi, District Jehanabad.

…. …. (Respondents) …. Respondents

For the Appellant : Mr. Mukund Mohan Jha, Advocate
For the State : Mr. Arup Kumar Chongdar, A.C. to AAG-II

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4. 19.3.2010. The present appeal has been restored today on the basis of the order passed in M.J.C. No. 3697 of 2008.

We have heard Mr. Mukund Mohan Jha, learned counsel for the appellant and Mr. Arup Kumar Chongdar, learned counsel for the State.

In this letters patent, the assail is to the order dated 30th August, 2006 passed by the learned Single Judge in C.W.J.C. No. 4305 of 2006, whereby he has declined to interfere with the order dated 14.5.2002 passed by the Bihar

State Election Commission in Case No.67 of 2001 by which villages Bishanpur and Tola Nimia Bigha have been deleted from Ahiyasa Gram Panchayat and have been tagged with Gram Panchayat Golakpur, both in the district of Jehanabad. Be it noted, a similar dispute was filed by one Rakesh Kumar, which was rejected by the Commission. Thereafter another dispute was filed by one Pramod Kumar forming the subject matter of Case No.67 of 2001, which has been disposed of by the Bihar State Election Commission by the order dated 14.5.2002. Thereafter the writ petition was filed by Baleshwar Prasad, a third party and the learned Single Judge did not interfere regard being had to the locus standi of the appellant as well as the delay.

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Having heard Mr. Jha, learned counsel for the appellant and Mr. Chongdar, learned counsel for the State, we are of the considered opinion that as the villages had been tagged since 2001there is no necessity to intervene after such a distance of time. That apart such tagging of villages are to be rarely interfered with in exercise of power of judicial review and the present one does not appear to be so.

In view of the aforesaid analysis, the appeal

being devoid of merit, stands dismissed without any order as to costs.

(Dipak Misra, CJ)

(Mihir Kumar Jha, J)

Pawan/

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